

Regular Session, 2012

ACT No. 822

HOUSE BILL NO. 1121

BY REPRESENTATIVE JAMES

1 AN ACT

2 To enact R.S. 23:905, relative to employee records; to provide for employee access to wage
3 and certain employment records; to provide for electronic transmission; to provide
4 for the payment of costs; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:905 is hereby enacted to read as follows:

7 §905. Employee access to records

8 A. The Louisiana Workforce Commission may make available, upon written
9 request by an employee, the employee's wage and employer information. This
10 information shall be provided to the employee or his representative, for lending
11 purposes, tenant screening and insurance underwriting only.

12 B. The Louisiana Workforce Commission may allow, at the request of the
13 employee, the electronic transmission of the employee's records, directly or through
14 a qualified third-party vendor as defined by the administrator. Such records shall be
15 provided only on an individual inquiry basis and shall not be maintained or reported
16 with other data. Any costs incurred by the commission in providing electronic
17 access to an employee's wage and employment records to a third party shall be paid
18 entirely by the third party.

19 C. The Louisiana Workforce Commission shall have the authority to
20 promulgate any rules and regulations necessary to carry out the provisions of this
21 Section including assurance for the security of data.

22 D.(1) Pursuant to this Section, the electronic employment records which the
23 Louisiana Workforce Commission may make available shall be only those records
24 which would otherwise be available to the employee who signed a written

1 authorization for those records. Nothing herein shall authorize any vendor to breach
2 the firewall or secure environment of the Louisiana Workforce Commission's
3 computer systems.

4 (2) Data shall be exchanged only under strictly controlled conditions. It shall
5 be destroyed after all legitimate uses have been made of it. Secondary release of
6 confidential or privacy-protected data by the vendor for use other than those
7 purposes authorized by this Section shall be strictly prohibited.

8 (3) Any violation of this Subsection shall be subject to those same penalties
9 as provided for in R.S. 23:75(C)(3).

10 E. Should any lawsuit be filed by a party who has a cause of action based
11 upon the provisions of this Section, the suit shall name the vendor and suit shall be
12 brought in a state court of competent jurisdiction and venue. The vendor shall
13 indemnify the Louisiana Workforce Commission of any damages, including attorney
14 fees and court costs, associated with a cause of action filed pursuant to this Section,
15 and any associated cost from providing data to a third party vendor shall likewise be
16 indemnified to the Louisiana Workforce Commission.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____